

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DAOTO THOMAS, : Case No. 1:24-cv-466
Plaintiff, :
vs. : District Judge Matthew W. McFarland
JUDGE NASAL, et al., : Magistrate Judge Karen L. Litkovitz
Defendants. :
:

REPORT AND RECOMMENDATION

On August 30, 2024, plaintiff filed a civil rights complaint in this Court. (Doc. 1).

Plaintiff did not pay the filing fee, or move for leave to proceed *in forma pauperis*.

On the same date, the Court issued a Notice of Deficiency directing plaintiff to pay the filing fee or file a motion for leave to proceed *in forma pauperis* within thirty (30) days. (Doc. 2).

On October 7, 2024, after plaintiff failed to respond to the Notice of Deficiency, the undersigned issued a Deficiency Order requiring plaintiff to pay the full \$405 (\$350 filing fee plus \$55 administrative fee) filing fee or submit to the Court a completed Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form within thirty (30) days. (Doc. 3). Plaintiff was advised that “[i]f plaintiff fails to pay the filing fee or to submit an application to proceed *in forma pauperis* within this time limit, the complaint may be dismissed.” (*Id.* at PageID 8).

To date, more than thirty (30) days after the October 7, 2024 Deficiency Order, plaintiff has failed to respond to or otherwise comply with the Order.

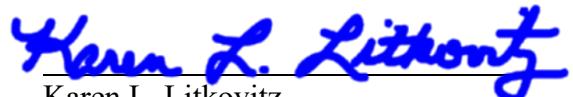
District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants invocation of the Court’s inherent power. *See* Fed. R. Civ. P. 41(b).

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: 11/8/2024


Karen L. Litkovitz
United States Magistrate Judge